

COMMISSION ON JUDICIAL PERFORMANCE  
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FOR RELEASE  
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**COMMISSION ON JUDICIAL PERFORMANCE ISSUES DECISION AND ORDER  
IMPOSING CENSURE ON JUDGE CORY WOODWARD PURSUANT TO STIPULATION**

The Commission on Judicial Performance has issued a Decision and Order of Censure on Judge Cory Woodward of the Kern County Superior Court pursuant to stipulation. Following a preliminary investigation, Judge Woodward, through his counsel Paul S. Meyer, and staff counsel for the commission, proposed a Stipulation for Discipline by consent pursuant to Commission Rule 116.5. The Decision and Order Imposing Public Censure is issued pursuant to that Stipulation which was approved by the commission.

The judge has been censured by the commission for his improper conduct related to his relationship with a courtroom clerk and for misleading the court.

From approximately July 2012 through mid-May 2013, the judge was involved in an intimate relationship with a courtroom clerk assigned to him. He engaged in sexual activity with his clerk in his chambers and in public places. The judge used the court's computers to regularly exchange personal emails or texts with the clerk, not of an overtly sexual nature, that were unrelated to court business and occasionally passed notes of a sexual nature to her during court proceedings. From the start of the intimate relationship through the date on which the court reassigned the clerk in April 2013, the judge did not attempt to ensure that he would not be working in the same courtroom with a clerk with whom he had an intimate relationship, and instead opposed and resisted any efforts to reassign the clerk.

At various times between February and May 2013, the court executive officer, deputy court executive officer, presiding judge, assistant presiding judge and supervising judge, spoke with Judge Woodward and expressed concerns about the judge's relationship with the clerk, complaints they had received about the clerk referring to him in an overly familiar manner, recommendations that the clerk be reassigned, and possible security concerns raised by the clerk's husband's contact with the court. In each instance, the judge misled court administration and his superior judicial officers into believing that there was no need to reassign his courtroom clerk and about the nature of his relationship with the clerk. (Later in May 2013, the judge contacted the presiding judge and disclosed the intimate relationship with the clerk.)

The commission found that the judge's conduct violated the California Code of Judicial Ethics and constituted prejudicial misconduct. The commission stated its view that "engaging in sexual intercourse in the courthouse and exchanging communications of a sexual nature during court proceedings is the height of irresponsible and improper behavior by a judge. It reflects an utter disrespect for the dignity and decorum of the court, and is seriously at odds with a judge's duty to avoid conduct that tarnishes the esteem of the judicial office in the public's eye." The commission noted Judge David M. Rothman's statement in his California Judicial Conduct Handbook that when a

judge's sexual conduct is not conducted in private or "takes place on public property or by use of public resources, the conduct moves from private to public concern and demeans the judicial office under canon 4A(2)." (Rothman, Cal. Judicial Conduct Handbook (3d ed. 2007) § 8.71, p. 439.)

The commission found that the judge's misconduct related to sexual activity in the courthouse is aggravated by the fact that the conduct took place with a member of his court staff, and potentially exposed other court staff to a hostile work environment through his intimate communications and sexual activities with the clerk in the courthouse. In fact, the intimacy of the relationship was sufficiently overt that the court received more than one complaint concerning the clerk's overly familiar and flirtatious behavior towards the judge, and rumors circulated that "something [was] going on between" the judge and his clerk. The judge's conduct placed the court administration and his presiding judges in the uncomfortable position of having to bring these concerns to his attention. However, rather than taking the concerns, which he knew to be legitimate, seriously and agreeing to the clerk's transfer, the judge misled the court as to the nature of the relationship and opposed the transfer.

The commission concluded that the judge's misconduct in misleading court administration and his superior judicial officers in an effort to prevent the clerk's reassignment is as egregious as his misconduct related to his libidinous activities with his clerk. The commission stated, "Court officials and supervising and presiding judges must be able to rely on the integrity and honesty of judicial officers in the performance of their duties. (See *Inquiry Concerning Judge Kelly A. MacEachern* (2008) 49 Cal.4th CJP Supp. 289, 305.) This requires more than the avoidance of outright untruths; it demands that judges avoid material omissions in fulfilling their duty to cooperate fully with court officials and other judges in the administration of court business. Not only should the judge have acceded to the recommended reassignment of the clerk, he should himself have requested her transfer as soon as the intimate relationship began."

Judge Woodward received a private admonishment in 2010 for improper handling of a contempt.

The commission concluded that the judge has engaged in a course of misconduct that the commission considers sufficiently serious to warrant removal from office if it were not for the presence of a number of mitigating factors, including that the judge has acknowledged wrongdoing and expressed great remorse and contrition, that the judge gave full and forthright cooperation with the commission's investigation, has assisted the commission in reaching a prompt disposition of this matter, and according to his presiding and supervising judges, he is a respected, hardworking, intelligent, and conscientious judge.

The Decision and Order and Stipulation are available on the commission's website at <http://cjp.ca.gov> (under "Pending Cases - Press Releases & Documents" and "Public Discipline & Decisions 1961 - Present") and at the commission's office.

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The commission is composed of three judges, two lawyers and six public members. The chairperson is Honorable Erica R. Yew of the Santa Clara County Superior Court.

For further information about the Commission on Judicial Performance, see the commission's website at <http://cjp.ca.gov>.